

B) Remarks:

Applicant wishes to thank the Examiner for pointing out the informalities and indefinite language in claims 5, 6 and 13.

As noted by the Examiner there is antecedent basis for two springs in claim 6. In order to correct this informality, Applicant has designated one spring as being the “bias” spring and the other spring as being the “pawl” spring. With this in mind, Applicant has amended claims 1, 3, 5, 6, 7 and 11 accordingly.

Regarding the insufficient antecedent basis for the references in claims 5 and 13 to a “second link”, Applicant has also corrected this by amending the term “second link” in claims 5 and 13 to now read “link mechanism” thereby providing an appropriate antecedent basis.

It is noted that the Examiner rejects claims 1 through 5, and 10 through 15, under 35 U.S.C. 102(b) as being anticipated by Seber et al. Reconsideration is respectfully requested.

Upon closely reviewing the Seber reference and all the embodiments therein, including FIG. 8, it is respectfully submitted that the Examiner is misinterpreting the structure shown in the Seber et al. reference (6,279,431). In particular the Examiner states that “the movable jaw and operating lever 50 are directly connected to the fixed jaw at pivot points”. However, in stating this, it is

respectfully believed that the Examiner has misread the reference and also has misread Applicant's claims.

In this regard, Applicant's claims 1 and 16 specifically call for the operating lever having a front end "that is supported on said stationary jaw via a second pivot". This is a very unique feature of Applicant's locking pliers which no other prior art references disclose or utilize. All of the prior art references either directly or indirectly pivot the front end of the operating lever to the moveable jaw, not the stationary jaw. Seber et al. is no exception in this regard.

For example, in FIG. 8 of Seber, the operating lever 50 is pivoted (at 98 in FIGS. 7-8), as is typical with most all locking pliers, to the moveable jaw 78 via an intermediate triangular shaped shifter link 92, which link includes three pivots 94, 96 and 98. Accordingly, Seber et al. does not show or even suggest Applicant's claimed combination and therefore cannot possibly anticipate or render obvious Applicant's invention as set forth in claim 1. Seber nowhere shows his operating lever 50 being pivoted to or "supported" by his upper arm 22 or stationary jaw 24.

It is therefore apparent that this plier structure of Seber does not operate in the manner suggested by the Examiner. It is understandable that the operation of the Seber et al. plier could be misinterpreted or misunderstood since all of the drawings are schematic in nature and by the very nature of the schematic drawings it is difficult to initially understand or perceive the mechanical connections and pivots.

Accordingly, reconsideration is respectfully requested. It is believed that the claims are now in condition for allowance and notice of allowance is requested.

Respectfully submitted,

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